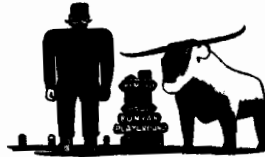


E1-2625



CITY OF BEMIDJI

City Hall ~ 317 4th Street NW
Bemidji, Minnesota 56601-3116
Web Site: www.ci.bemidji.mn.us

December 21, 2006

Section of Environmental Analysis (Sea)
Surface Transportation Board
1925 Kay Street N.W.
Washington D.C. 20423-0001

RE: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company – Abandonment
Exemption- in Beltrami County, Minnesota

To Whom It May Concern:

In response to Mr. Strickland's letter on behalf of the STB, dated December 4, 2006, the following comments are submitted on the "Environmental and Historic Reports" in the above-referenced abandonment proceeding.

Under Paragraph I, subparagraph 3(iv) (page seven of the draft report), it was indicated that the City of Bemidji was contacted regarding alternative public use of the right-of-way, but did not comment on the issue. I would like to take this opportunity to express the position taken by the City with respect to the proposed abandonment.

Firstly, prior to the Notice of Abandonment (NOA), the City had purchased from the BNSF Railway Company ("BNSF"), the right of way between Mile Post 93.77 and 94.78 (the approx. 1.01 mile depot spur and including the whole "Wye"). Moreover, prior to NOA, a private developer had purchased from BNSF that portion of the right-of-way north of the Wye to Mile Post 95.15. It so happens that the Minnesota Department of Natural Resources ("MnDNR"), again prior to NOA, had purchased a portion of the right-of-way from Mile Post 90.87 to that point where the corridor turns north along the east side of Lake Irving. To complete the picture, a second private developer had previously purchased the remainder of the right-of-way not purchased by the MnDNR, to Mile Post 93.77. Obviously, all of the corridor proposed for abandonment has already been sold to one entity or another, private and/or public.

So, although the City would have liked the MnDNR and MnDOT to have had an opportunity to express an interest in the corridor from the Wye through Mile Post 95.15, a reversal of the actions taken to this point, would only serve to unduly complicate the proposed abandonment proceedings (certainly likely to increase the time and expense

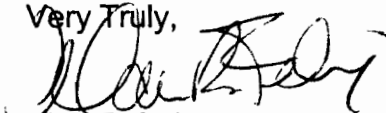
of the process). Moreover, a change in course would likely result in litigation between some or all of the parties.

Hence, the City agrees with the position expressed by Robert R. Rickert, Minnesota State Rail Bank Program Manager (MnDOT), emphasizing that the oversight or oversights by BNSF that occurred with this stretch of right-of-way, as a matter of record, be allowed to stand, but that in the future such oversight(s) will not occur as it compromises state and local governmental ability to rail bank corridors determined to be valuable for future transportation use, be that recreational trail use or otherwise.

As an aside, the City actively supports the MnDNR in its efforts to negotiate with the purchaser of the right-of-way between the Wye and Mile Post 95.15, for purposes of inclusion of a portion of that corridor in the Paul Bunyan State Trail. Continued friendly, arms length negotiation seems to make the most sense, rather than causing the proposed abandonment proceeding to become adversarial!

In closing, the City appreciates this opportunity to comment upon the proposed abandonment and, in particular, the Environmental and Historical Reports related thereto. If there are any questions regarding this letter or the City's position, please don't hesitate to contact me.

Very Truly,



Alan R. Felix
City Attorney
(218) 759-3575

ARF/sms

Enclosures

Cc: Sidney Strickland, Jr.
Bob Rickert, MnDOT
Tim Browning, MnDNR
John Chattin, City Manager
Joe Czapiewski, Headwaters Regional Development Commission